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REMARKS

By this paper, Applicant has amended Claim 7. Thus, Claims 1-9 remain pending and are presented for further examination.

I. Discussion of Rejection Under Nonstatutory Double Patenting

In paragraph 2 of the Office action, the Examiner provisionally rejected Claims 1-9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/029,605. The Examiner noted that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. The Examiner indicated that a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on the nonstatutory double patenting ground.

Since this rejection is provisional at this time, Applicant reserves the right to more fully address the Examiner's rejection at a later time, particularly if the prosecution of this and the '605 applications is maintained and the examination of their respective claims has been concluded. At this time, Applicant intimates no position with respect to the legitimacy of the Examiner's position and, particularly, as to whether Claims 1-9 of this application are patentably distinct from those of the '605 application.

II. Discussion of Rejection of Claims 7 and 8 under 35 U.S.C. § 102(a) based on *Silvestre et al.* (WO 01/27910)

In paragraph 4 of the Office action, the Examiner rejected Claims 7 and 8 under 35 U.S.C. § 102(a) as being anticipated by International Publication No. WO 01/27910 to *Silvestre et al* [hereinafter *Silvestre*]. The Examiner indicated that *Silvestre* teaches all limitations of Claims 7 and 8. For the reasons set forth below, Applicant disagrees with the Examiner's determination that *Silvestre* teaches or suggests all of the limitations of Claims 7 and 8.

A. Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). More particularly, a finding of anticipation requires the disclosure in a single piece of prior art of each and every

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limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). "To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

B. Brief Description of *Silvestre*

Silvestre discloses a driving unit for a light emitting diode (LED) display device that sequentially applies current to each LED in the display to measure the degradation of each LED. *Silvestre* at 6, lines 1-11. A "short test current pulse with amplitude I_{measure} " is applied to measure the degradation. The respective driving current for each of the LEDs is modified in response "to compensate for the degradation of the LED." *Id.* at lines 11-12. "The amount of current correction may be determined, e.g., with reference to a tabulated Look-Up-Table or LUT 13." *Id.* at lines 12-14.

C. *Silvestre* Fails to Disclose All Claim Limitations

Applicant submits that nowhere (and the Examiner fails to indicate where) does *Silvestre* disclose a video display device comprising "determining a plurality of output voltages that are to be applied by a plurality of drivers to a plurality of columns of organic light emitting diodes in a video display, the plurality of output voltages being derived based, at least in part, on a plurality of reference currents" as recited in Claim 7, as amended (emphasis added). Applicant submits that *Silvestre* discloses determining output currents and not a "plurality of output voltages" as recited in Claim 7. Moreover, *Silvestre* discloses applying a single "short test current pulse with amplitude I_{measure} ." *Silvestre* at 6, lines 2-3 (emphasis added). In one embodiment of the claimed invention, a plurality of reference currents is applied to generate data in the voltage correction table. *Specification* at page 13, lines 15-16. Applicant takes the position that the claimed calibration method and system device improves the voltage correction data. Applicant therefore submits that *Silvestre* fails to disclose the plurality of output voltages being derived based, at least in part, on a plurality of reference currents" as recited in Claim 7, as amended (emphasis added).

Silvestre also fails to disclose the method comprising "at least one driver configured to drive at least one organic light emitting diode at a voltage defined, at least in part, by the voltage

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correction table.” as also recited in Claim 1. As discussed above, *Silvestre* discloses applying determined currents, not “the determined voltages” recited in Claim 7.

Thus, for each of the reasons discussed above, Applicant submits that *Silvestre* fails to teach or suggest all of the limitations of Claim 7, as amended. Accordingly, Applicant submits that Claim 7 is allowable. As Claim 8 depends from Claim 7, Applicant submits that Claim 8 is also allowable for at least the same reasons.

III. Discussion of Rejection of Claims 1-2 and 5-6 under 35 U.S.C. § 103(a) based on
Silvestre

In paragraph 7 of the Office action, the Examiner rejected Claims 1-2 and 5-6 under 35 U.S.C. § 103(a) as being unpatentable over *Silvestre*. The Examiner indicated that *Silvestre* discloses all limitations of Claim 1 except *Silvestre* discloses a current correction table instead of a voltage correction table. However, the Examiner, without citation, took the position that “[i]t would have been obvious to have a voltage correction table instead of a current correction table since the current can be converted to a current by applying resistance.” For the reasons set forth above, Applicant disagrees with the Examiner’s determination that *Silvestre* renders obvious Claims 1, 2, 5, and 6.

A. The Law of Obviousness

To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the references when combined must teach or suggest all of the claim limitations. See *M.P.E.P.* § 2143. It is well settled that “a showing of a suggestion, teaching or motivation to combine the prior art references is an ‘essential component of an obviousness holding’.” See, e.g., *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 U.S.P.Q.2d 1456, 1459 (Fed. Cir. 2000). The Examiner can satisfy the burden of showing obviousness of the combination “only by showing some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fitch*, 972 F.2d 1260, 1265, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). “Determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit

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the parameters of the patented invention.” *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 546 (*Fed. Cir.* 1998).

B. Silvestre Fails to Teach or Suggest All Limitations of Claims 1-2, and 5-6

Claim 1 recites at least some of the patentable features discussed in connection with Claim 7 above. For at least the same reasons discussed above with reference to Claim 7, Applicant submits that *Silvestre* also fails to teach or suggest all limitations of Claim 1.

Further, Applicant submits that the Examiner’s rejection fails to clearly indicate how *Silvestre* would have been modified to obtain the invention of Claim 1. The Examiner has only stated the physical principle that a voltage can be converted to a current. The Examiner has not provided any citation in the prior art disclosing a method of applying a voltage comprising “storing voltage data in a correction table, the voltage data being derived based, at least in part, on a plurality of reference current,” as recited in Claim 1. If the Examiner’s rejection is based upon one of ordinary skill in the art having such knowledge, then Applicant respectfully requests the Examiner to provide a reference in support of his position. *See M.P.E.P. § 2144.03*. Otherwise, Applicant submits that the Examiner has failed to establish a prima facie case of obviousness because *Silvestre* neither teaches nor suggests all limitations of Claim 1.

As Claims 2, 5, and 6, each depend either directly or indirectly from Claim 1, Applicant submits that *Silvestre* also fails to teach or suggest all limitations of Claims 2, 5, and 6.

C. The Examiner Failed to Establish a Motivation to Combine

As discussed above, the Examiner argued that it would have been obvious to modify *Silvestre* to use a voltage table instead of a current table “since the current can be converted to a current by applying resistance.” *O.A.* at 5. However, Applicant submits that even if *Sylvestre* did disclose all other limitations of Claim 1, this finding does not support a prima facie case of obviousness. “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” *M.P.E.P. §2143.01* (emphasis in original). Here, the Examiner has only stated the conclusion that such a combination can be made but has failed to provide any motivation to combine. Rather, the Examiner has merely stated the physical principle that a “current can be converted to a current by applying resistance” [*sic*] without providing any motivation for making such a modification to *Silvestre*. Further, the Examiner failed to provide any support for the stated motivation to modify the teachings of *Silvestre* to recognize the invention of Claim 1.

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Therefore, Applicant submits that Examiner has failed to establish a motivation to combine with respect to Claims 1-2, and 5-6. Thus, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 1 in view of *Silvestre* and the knowledge of one of ordinary skill in the art.

For the reasons set forth above, Applicant submits that Claims 1-2, and 5-6 are allowable because *Silvestre* neither teaches nor suggests all limitations of Claims 1-2, and 5-6 and because the Examiner failed to establish any motivation to combine. Applicant therefore requests that the Examiner withdraw the rejection of each of Claims 1-2, and 5-6 in view of *Silvestre*.

IV. Discussion of Rejection of Claim 9 under 35 U.S.C. § 103(a) based on *Silvestre* in view of *Iketsu*, et al.

In paragraph 8, the Examiner rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Silvestre* in view of U.S. Patent No. 6,369,516 to Iketsu et al [hereinafter "*Iketsu*"]. The Examiner indicated that *Silvestre* discloses all limitations of Claim 9 except "*Silvestre* et al fail to disclose first and second capacitors." *O.A. at 6*. The Examiner stated that *Iketsu* teaches "a display device having first capacitors charging to a first voltage so drive current across an OLED in a first row and second capacitors charging to a first voltage so drive current across an OLED in a second row (see figures 1-2)." *O.A. at 6 [sic]*. For the reasons set forth below, Applicant disagrees with the Examiner's determination that *Silvestre* and *Iketsu* together teach or suggest all of the limitations of Claim 9.

A. Brief Description of *Iketsu*

Iketsu discloses a driving unit for a organic electroluminescent (EL) display device and "a driving method of an organic thin film EL display with reduced power consumption. *Iketsu at col. 1, lines 7-10*. In particular, *Iketsu* is directed to "a driving device and a driving method of an organic thin film EL display with power consumption reduced by a configuration where electric charge accumulated in a display element are used to assist a display element to emit light during the next display period." *Iketsu at col.1, lines 60-65*. In particular, *Iketsu* is directed to "a driving device and a driving method of an organic thin film EL display with power consumption reduced by a configuration where electric charge accumulated in a display element are used to assist a display element to emit light during the next display period." *Iketsu at col.1, lines 60-65*. In an EL display, when a pixel "is in a turned-off state during during a display period T_j , a

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reverse bias is applied to the parallel capacitors.” *Id.* at 29-34. “If [in] the next display period [a] pixel [] is turned on, current from a current source circuit 8i [] is first used to cancel charge of the aforementioned reverse-biased parallel capacitors.” *Id.* at 35-39. In the method of *Iketsu*

“[t]he driving apparatus has a comparator comparing a signal voltage applied to a display element on a predetermined data electrode and on a scanning electrode for the current display period and a signal voltage applied to the display element on the data electrode and on the scanning electrode for the next display period. The driving device also has a controller controlling a discharge of residual electric charges from the data electrode on the currently displaying scanning electrode during a blanking period immediately before the next display period depending on the comparison result by the comparator.”

Iketsu at col. 2, lines 8-18. Thus, *Iketsu* discloses a method whereby power consumption to a display is reduced by controlling charging or discharging a capacitor associated with a display element between display periods by comparing the change in signal voltage applied to the display element between display periods. *See generally Iketsu.*

B. Neither *Silvestre*, nor *Iketsu*, Alone or in Combination, Teaches the Invention of Claim 9

Applicant submits that *Silvestre* fails to teach or suggest “determining a voltage using, at least in part, the voltage data from the correction table.” Rather, as discussed above with reference to Claim 7, *Silvestre* discloses that to drive an OLED element, an “amount of current correction may be determined, e.g., with reference to a tabulated Look-Up-Table or LUT 13.” *Id.* at lines 12-14. Thus, Applicant submits that *Silvestre* also fails to teach or suggest “determining a voltage” as recited in Claim 9. Furthermore, nowhere does *Iketsu* (and the Examiner does not indicate that *Iketsu* does) disclose “determining a voltage using, at least in part, the voltage data from the correction table” as recited by Claim 9. *See generally Iketsu.* Thus, the disclosure of *Iketsu* fails to cure, at least, this deficiency of *Silvestre*.

Further, the Examiner argued that *Iketsu* cured the deficiency of *Silvestre*, i.e., “*Silvestre* et al fail to disclose first and second capacitors,” by disclosing a “display device having first capacitors charging to a first voltage so drive current across an OLED in a first row and second capacitors charging to a first voltage so drive current across an OLED in second row (see figures 1-2).” *O.A.* at 6. However, Applicant submits that *Iketsu* fails to disclose a method comprising “charging a first capacitor to a first voltage so as to drive current across an organic light emitting diode in a first row of the video display; and concurrently with said act of charging using a second capacitor to drive a current across an organic light emitting diode in a second row of the

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video display" as recited in Claim 9 (emphasis added). Rather, as discussed above in the brief description of *Iketsu*, *Iketsu* discloses a method "where electric charge accumulated in a display element are used to assist a display element to emit light during the next display period." *Iketsu* at col.1, lines 60-65 (emphasis added). Thus, Applicant submits that nowhere does *Iketsu* (and the Examiner does not indicate that *Iketsu* does) disclose " concurrently with said act of charging using a second capacitor to drive a current across an organic light emitting diode in a second row of the video display" as recited in Claim 9 (emphasis added). Thus, the disclosure of *Iketsu* also fails to cure, at least, this deficiency of *Silvestre*.

C. The Examiner has Failed to Establish a Motivation to Combine *Silvestre* with *Iketsu*

Applicant submits that the Examiner has failed to establish a motivation to combine *Silvestre* with *Iketsu*. The Examiner stated that the motivation is "so a charge could stored in a capacitor and electrodes could be emitted from the light-emitting layer." *O.A. at 6 [sic]*. However, the "mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." M.P.E.P. §2143.01 (emphasis in original). Here, the Examiner merely concludes that *Silvestre* can be modified because "a charge could [be] stored in a capacitor" without providing any suggestion or motivation for why such a modification would be desirable. Further, the Examiner failed to provide any support for the stated motivation to modify the teachings of *Silvestre* to recognize the invention of Claim 9. Thus, Applicant submits that it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 9 in view of *Silvestre* and *Iketsu*. Applicant submits that Claim 9 is therefore allowable and respectfully requests that the Examiner withdraw the rejection of Claim 9.

V. Discussion of Rejection of Claims 1-4, and 7 under 35 U.S.C. § 103(a) based on Kane, et al in view of Suzuki

In paragraph 6 of the Office action, the Examiner rejected Claims 1-4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over EP 0 905 673 A1 to Kane et al. [hereinafter "*Kane*"], which published on March 31, 1999, in view of U.S. Patent No. 6,368,786 to Suzuki [hereinafter "*Suzuki*"]. In rejecting independent Claim 1, the Examiner indicated that Kane teaches all elements of Claim 1 except that Kane does not teach "correction data being derived based on a plurality of reference currents." *O.A. at page 4*. However, the Examiner stated that Suzuki

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"teaches that a voltage driver (4) can be converted to a current diver (sic)." *O.A. at page 5.* The Examiner took the position that it "would have been obvious to have modified Kane et al with the teaching of Suzuki, since the current driver could have less susceptible to a voltage drop due to power supply and the light intensity of the light emitting element is proportion (sic) to the current." *Id.* For the reasons set forth below, Applicant disagrees with the Examiner's determination that *Kane* and *Suzuki* teach or suggest all of the limitations of Claims 1-4 and 7.

A. *Kane* and *Suzuki* Together Fail to Teach or Suggest All Limitations of Claim 1

Kane describes an OLED pixel structure and method of improving brightness uniformity by reducing current nonuniformities in the OLED. *Kane at col. 2, para. 0011.* In initializing the display, *Kane* describes applying two data voltages (V1 and V2), and measuring the current for each data voltage. *Id. at col. 19, para 0096.* As stated by the Examiner, *Kane* does not teach storing voltage data in a correction table derived based, at least in part, on a plurality of reference currents. *O.A. at page 4.*

Further, *Suzuki* fails to cure the deficiency of *Kane* because *Suzuki* also fails to teach or suggest "voltage data being derived based, at least in part, on a plurality of reference currents" as recited in Claim 1 (emphasis added). Rather, *Suzuki* discloses an OLED in which the pixels are driven by a plurality of current sources. *Suzuki, col. 4, lines 13-18.* However, *Suzuki* fails to disclose "voltage data being derived based, at least in part, on" these current sources. *See Id.* In fact, Applicant submits that neither the portions of *Suzuki* cited by the Examiner in rejecting Claims 1-4 and 7, nor any other portions of *Suzuki* disclose anything about deriving voltage data. *See O.A. at 5 and Suzuki.* Thus, *Suzuki* does not cure *Kane*'s failure to disclose "voltage data being derived based, at least in part, on a plurality of reference currents" as recited in Claim 1. Thus, Applicant submits that the combination of *Kane* and *Suzuki* fails to teach or suggest all of the limitations of Claim 1.

A. The Examiner Failed to Establish a Motivation to Combine

Moreover, the Examiner has failed to establish a prima facie case of obviousness because the Examiner has failed to establish a motivation to combine. The Examiner stated that it "would have been obvious to have modified Kane et al with the teaching of Suzuki, since the current driver could have less susceptible to voltage drop due to power supply and the light intensity of the light emitting element in proportion to the current." *O.A. at 5 [sic].* However, Applicant submits that, even if *Suzuki* did teach "voltage data being derived based, at least in

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part, on a plurality of reference currents," as recited in Claim 1, the purported motivation stated by the Examiner is not related to, and thus provides no motivation for, combining the teaching of *Kane* with a reference citing "a plurality of reference currents" because the stated motivation is directed to a motivation for using a current driver not a plurality of reference currents. Further, the Examiner failed to provide any support for the stated motivation to modify the teachings of *Kane* to recognize the invention of Claim 1. Thus, Applicant submits it would not have been obvious to one of ordinary skill in the art to modify the teachings of *Kane* to include the teachings of *Suzuki* to recognize all of the limitations of Claim 1.

For the reasons discussed above, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness as to Claim 1 because the cited references neither contain all claim limitations, nor has the Examiner established a motivation to combine. Since Claim 7 includes at least some of the patentable features of Claim 1 discussed above, Applicant submits that Claim 7 is also patentable. Since each of Claims 2-4 depends either directly or indirectly from Claim 1, Applicant submits that those claims are also allowable. Accordingly, Applicant requests that the rejection of Claims 1-4 and 7 over *Kane* in view of *Suzuki* be withdrawn.

VI. Discussion of Rejection of Claims 1-4, 7, and 8 under 35 U.S.C. § 103(a) based on Takahashi (USPN 5,708,452), Silvestre, and Kuga (USPN 5,703,608)

In paragraph 9, the Examiner rejected Claims 1-4, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,708,452 to Takahashi [hereinafter "*Takahashi*"] in view of *Silvestre* and U.S. Patent No. 5,703,608 to Kuga [hereinafter "*Kuga*"]. The Examiner noted that "*Takahashi* teaches a passive matrix of LED display comprising a voltage correction circuit (Brightness adjusting circuit); a calibration unit (3, 4 and brightness adjusting circuit) for generating data in the voltage correction table; and a driver (4) for applying the correcting voltage to light emitting diodes (see figures 3-4 and column 3, lines 20-56)." *O.A. at page 6*. *Kuga*, the Examiner noted, teaches a display apparatus having a driver (207) with two capacitors (15, 16) alternatively connected to a signal line (3). The Examiner stated that *Silvestre* teaches "a video display comprising a current correction table (13) ; a calibration unit (6,7,13,14) for generating data in correction table based on a plurality of reference currents (11)(see figures 1-3, page 5, lines 29-32, page 6, lines 1-13, and page 7, lines 3-13)." *O.A. at 6-7*. The Examiner argued that it would have been obvious to modify "*Takahashi* with the teaching of *Silvestre et al*,

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since using a current driver having less susceptible to a voltage drop due to power supply and light intensity of the light emitting element is proportion to the current." *Id.* [sic]. The Examiner further argued that it "would have been obvious to have modified Takahashi et al. with the teaching of Kuga, since they both have sample and hole circuit (see Takahashi's figure 3 and Kuga's figure 9) and Takahashi et al as modified could provide a display apparatus having a high image quality and a high reliability with a simple structure (see Kuga's column 3, lines 57-68)." Id.

A. Neither Takahashi, Silvestre, nor Kuga, Alone or in Combination, Teaches the Invention of Claims 1-4, 7, and 8

Applicant submits that the cited prior art fails to teach or suggest all of the limitations of Claim 7, as amended. More particularly, neither *Takahashi*, *Silvestre*, nor *Kuga*, either alone or in combination, teaches or suggests a method comprising determining a plurality of output voltages "wherein the plurality of output voltages is derived based, at least in part, on a plurality of reference currents," as recited in Claim 7, as amended. The Examiner argued that *Silvestre* discloses these elements of Claim 7, as amended. However, as discussed above in Section II.C, *Silvestre* only discloses applying a "short test current pulse with amplitude I_{incasure} " and not a "plurality of reference currents" as recited in Claim 7. *Silvestre* at 6, lines 2-3. Further, neither *Takahashi*, nor *Kuga* teach or suggest a voltage "data being derived based, at least in part, on a plurality of reference currents," as recited in Claim 1. Thus, the combination of *Takahashi*, *Silvestre*, and *Kuga* fails to teach or suggests all of the limitations of Claim 7. Further, it would not have been obvious to one of ordinary skill in the art to modify the teachings of *Takahashi*, *Silvestre*, and *Kuga* to recognize all of the limitations of Claim 7. Since Claim 1 includes at least one of the patentable features of Claim 7 discussed above, Applicant submits that Claim 1 is also patentable. Since each of Claims 2, 4, and 8 depends either directly or indirectly from Claims 1 or 7, Applicant submits that those claims are also allowable. Accordingly, Applicant requests that the rejection of Claims 1, 2, and 7-8 in view of *Takahashi*, *Silvestre*, and *Kuga* be withdrawn.

VII. CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments

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which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned.

Please charge any fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

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